

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

THE PET STOP PROFESSIONAL PET)
SITTING SERVICE, LLC, an Oregon)
corporation,)

Plaintiff,)

vs.)

THE PROFESSIONAL PET-SITTING)
SERVICE, INC., an Oregon corporation;)
THOMAS GENNARELLI, an individual;)
and KIMBERLEE GENNARELLI, an)
individual,)

Defendants.)
_____)

Civil Case No. 07-90-ST

ORDER

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Attorneys for Plaintiff

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Attorney for Defendants

KING, Judge:

The Honorable Janice M. Stewart, United States Magistrate Judge, filed Findings and Recommendation on May 1, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation (#94). IT IS HEREBY ORDERED that Pet Stop's Motion for Summary Judgment on its First Claim for trademark infringement (#42) is GRANTED with respect to the distinctiveness of its trademarks, but is otherwise DENIED; Defendants' Motion for Summary Judgment (#39) is GRANTED with respect to Pet Stop's Second Claim for trade dress infringement, but otherwise DENIED; and summary judgment is GRANTED in favor of Pet Stop *sua sponte* on defendants' counterclaims for breach of contract and anticipatory repudiation.

Dated this 22nd day of May, 2008.

/s/ Garr M. King
Garr M. King
United States District Judge